

ILLINOIS POLLUTION CONTROL BOARD
April 13, 2004

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 04-106
)	(Enforcement – Cost Recovery)
THOMAS GRAY, STEVE WHYTE,)	
GLADYS WHYTE, LEONA CHILDRESS,)	
and WILLIAM McCOY,)	
)	
Respondents.)	

HEARING OFFICER ORDER

On April 9, 2004, the People and the attorney for respondents Childress and McCoy participated in a telephone status conference with the hearing officer. The remaining respondents did not appear.

The People and respondents Childress and McCoy have proposed a settlement agreement to the Illinois Environmental Protection Agency. The People expect the Agency to approve the settlement agreement within the next four to six weeks. In consideration of the pending settlement agreement, the People's deadline to answer affirmative defenses is stayed.

The People report that they received certified mail receipts for the complaints served on respondents Thomas Gray, Steve Whyte, and Gladys Whyte. However, the People have tried to subpoena telephone records for these individuals, and no records were found. Thus, the People have not been able to reach these respondents regarding this case. The People plan to file a motion for summary judgment against these respondents.

The parties are directed to participate in a telephone status conference with the hearing officer at 9:00 a.m. on May 24, 2004. The status conference shall be initiated by the complainant. At the status conference, the parties must be prepared to discuss the status of the above-captioned matter.

IT IS SO ORDERED.

Carol Sudman

Carol Sudman
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
217/524-8509
sudmanc@ipcb.state.il.us